

INTERNATIONAL COOPERATION TREATY

PCT 10/537910

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WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PPA012101	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/KR2003/000596	International filing date (day/month/year) 26 MARCH 2003 (26.03.2003)	Priority date (day/month/year) 09 DECEMBER 2002 (09.12.2002)
International Patent Classification (IPC) or national classification and IPC IPC7 A45D 40/26		
Applicant SHIN, Hyo-Soon		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 30 JUNE 2004 (30.06.2004)	Date of completion of this report 28 MARCH 2005 (28.03.2005)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer OH, SANG KYUN  Telephone No. 82-42-481-8165

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/KR2003/000596

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement) under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

- These elements were available or furnished to this Authority in the following language English which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☒ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed." and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item I and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION

International application No.

PCT/KR2003/000596

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-2	YES
	Claims	NO
Inventive step (IS)	Claims 1-2	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-2	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents identified in the International Search Report (ISR):

D1 : US 6073634 A (13 June 2000)

D2 : US 6076531 A (20 June 2000)

The claimed invention relates to a cosmetic applicator comprising a rod and a brush, wherein the applicator is formed with a fixing portion pressed to be flat at a lower end of the rod into which the brush is fixedly inserted.

D1 discloses a unit for the packaging and application of a make-up product for keratinous fibers, in particular eyelashes, including a body having a bottom in which a block of the product is disposed, a lid for covering the bottom in a detachable manner, and an applicator device including a handle of a substantially flat profile, and carrying at least one applicator element having a free end.

D2 discloses a device for applying a substance, in particular a cosmetic such as mascara, including a receptacle containing a supply of the substance, and an applicator having an axis, the applicator being provided on the axis at one end with a handle element and at the other end with an applicator element, the handle element and the applicator element being interconnected by a link element.

The feature of the present invention, such as a cosmetic applicator formed with a fixing portion pressed to be flat at a lower end of the rod into which the brush is fixedly inserted, is not disclosed in D1 and D2. Therefore, the subject matter of claims 1 to 2 is novel pursuant to PCT Article 33(2).

The subject matter of claims 1 to 2 is considered to involve an inventive step pursuant to PCT Article 33(3), since it refers to an improved product, such as a cosmetic applicator wherein the brush has a flat face defined by the fixing portion formed in the rod itself, a region that requires delicate operation can be easily cosmeticized and there is no need for an additional means for making the brush in a flattened shape, which is not known or even suggested in the prior art, particularly in D1 and D2.

Claims 1 to 2 also meet the criteria set out in PCT Article 33(4), because all the claims are considered to be industrially applicable.